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Paper No. 11

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**OFFICE OF DIRECTOR
GROUP**

In re Application of)
Masayoshi Ishibashi et al)
Application No. 09/616,076)
Filed: July 13, 2000)
For: PROBE FOR SCANNING PROBE)
LITHOGRAPHY AND MAKING)
METHOD THEREOF)

DECISION ON PETITION

This is a decision on the petition, filed July 17, 2002, to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action of September 13, 2001. A Notice of Abandonment was mailed on July 8, 2002.

Petitioner states that a response was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard receipt which acknowledges receipt of an amendment along with a request for approval of proposed drawing changes, a change of address and a check of \$84.00 to cover the additional claim fee by the Patent and Trademark Office (Office) on December 13, 2001.

The review of the application file reveals that the papers received December 13, 2001 were not associated with the application filed. The record indicates that a supplemental amendment was received on February 20, 2002, wherein claims 6 and 14 were amended.

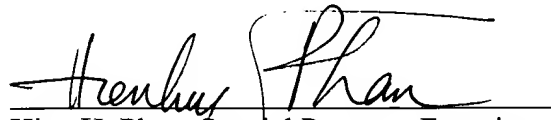
The evidence establishes that a timely response was filed but lost after receipt thereof. Inconvenience to the applicant is regretted.

For above stated reasons, the Notice of Abandonment is hereby vacated and the holding of

abandonment withdrawn. Inconvenience to petitioner is regretted.

The copy of the response submitted on July 17, 2002 is accepted since the Office has apparently misplaced the response originally submitted.

The application file is being forwarded to the technical support staff for processing the response. From there, it will be returned to the examiner for further prosecution.

A handwritten signature in black ink, appearing to read "Hien H. Phan", is written over a horizontal line.

Hien H. Phan, Special Program Examiner
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